



PLANNING COMMISSION MEETING STAFF REPORT JUNE 8, 2006

Project:	MISSION ROAD HOMES- (PLN2006-00064)
Proposal:	To consider a General Plan Amendment from Office Commercial to Low Density Residential, 3-5 units/acre for a 9.25-acre site.
Recommendation:	Recommend to City Council
Location:	42828 Mission Boulevard in the Mission San Jose Planning Area. APN's 513-0402-030, -037, -038 (See aerial photo next page)
Area:	Three lots (3.98 acres, 3.27 acres, 2.46 acres) - 9.25-acre total lot area
People:	Santa Clara Development, Applicant Jake Lavin, Agent of Applicant Creegan & D'Angelo, Civil Engineering Consultant C.P. Catlin & A.E. Bernardin, Owners Scott Ruhland, Staff Planner (510) 494-4453; sruhland@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project.
General Plan:	Existing: Office Commercial Proposed: Low Density Residential, 4-6 units per acre
Zoning:	Existing: Planned District (Historic Overlay), P (H) Proposed: Planned District (Historic Overlay), (P-2006-64 (H) by future action)

EXECUTIVE SUMMARY:

The proposed project is a request for a General Plan Amendment and Environmental Impact Assessment to change the land use designation of three parcels from Office Commercial to Low Density Residential, 3-5 units per acre. The intent of the project is the future subdivision of land and development of 32 single-family homes, construction of a new public street and associated site, landscape and drainage improvements. Staff supports the General Plan Amendment and change to residential use, which would be consistent with similar adjacent and nearby residential uses. The project site and resulting residential uses are adjacent to a small commercial area along Mission Boulevard (fast food restaurant and gas station), appropriate transition and buffers will be installed to lessen the any potential impact to residential uses.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES: North: Interstate 680 and Hillside Open Space
 South: Single Family Residential
 East: Hillside Open Space
 West: Commercial Uses, Mission Boulevard & Single Family

BACKGROUND AND PREVIOUS ACTIONS:

In 2001, the General Plan land use of the site was re-designated from Thoroughfare Commercial to Office Commercial. The original intent of this project was to develop the site with new office uses and associated improvements, however, due to market conditions that project never materialized and the site has since been vacant. The zoning did not change and remained as Thoroughfare Commercial.

In 2005, the General Plan land use of the site above the Toe of the Hill was re-designated from Office Commercial to Hill Face Open Space to reflect the adopted Toe of the Hill line and implementation of Measure T. The City also rezoned the site from Thoroughfare Commercial to Planned District and Hill Face Open Space for the portion above the Toe of the Hill.

PROJECT DESCRIPTION:

The proposed project is a request for a General Plan Amendment for three parcels of land located in the Mission San Jose Planning Area at the southeast quadrant of the Interstate 680/Mission Boulevard intersection. The three parcels of land comprise approximately 9.25 acres, 1.71 acres of which is above the Toe of the Hill (TOH). The General Plan Amendment involves the change of land use from Office Commercial to Low Density Residential, 3-5 units per acre for the portion below the TOH (7.54 acres).

The intent of the applicant is the future amendment to the zoning of the property through the Planned District Major Amendment process to facilitate the future development of the site for single-family residential uses. The proposal is for 32 single-family lots and associated site, landscape, drainage and circulation improvements, including the extension and connection of Loma Drive into the site as a public street. Staff supports the change of land use and has made findings in the recommendations for Planning Commission consideration.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Office Commercial and the proposed land use designation for the site is Low Density Residential, 3-5 units per acre. The project is consistent with the proposed General Plan land use designation for the project site because the proposed use is single family residential within the density range. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

- **Land Use Goal 1** – *New housing development while conserving the character of the City's existing single-family residential neighborhoods.*
- **Land Use Policy 1.1** – *Residential as the primary use allowed in residentially designated areas. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.*

Analysis

The project conforms to these policies because it would conserve the quality and character of nearby residential neighborhoods while allowing additional residential uses near a residentially designated area.

- **Land Use Policy 6.4** – *Hill Area road standards shall reflect the need to minimize scarring, earth movement and the potential for erosion and ground failure, and respect the natural topography of the area.*

Analysis

The proposed subdivision layout on the informational attachment was designed specifically with this intent and reflects consideration of the hillside in road and building pad placement. Further design controls and consistency with other Hill Area policies will be reviewed with the Planned District Amendment.

- **Housing Goal 2** – *High quality and well-designed new housing of all types throughout the City.*

Analysis

The project conforms to this policy because it anticipates high quality and well designed new housing within the City.

Zoning Regulations:

The site was recently rezoned Planned District as part of the implementation procedures for the Hill Area Initiative, Measure T. The zoning for the site also includes a Historic Overlay because it's included in the Historic Mission San Jose Overlay District. The intent of the applicant is to submit a Planned District Major Amendment to amend the Planned District consistent with the land use change. The Planned District application will be subject to site plan and architecture review and approval by the Historic Architectural Review Board (HARB), Planning Commission and City Council at a later date.

Design Analysis:

The current request is for the General Plan Amendment only. Site plan, architecture and landscape design review and approval will occur during the Planned District Amendment process subject to review and approval by the Historic Architectural Review Board (HARB), Planning Commission and City Council at a later date.

Applicable Fees:

Any future project as a result of this land use change will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to noise and geologic impacts. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Mitigation Measures:

Site mitigation includes the placement of sound walls in between residences and along the commercial interface, design review of the wetband, mitigation for geologic conditions and other measures to ensure an impact will not occur. In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. To date, the ACCMA has not commented on the project.

Project Trip Generation:

The project proposes a change in land use from office use to 32 residential units. The trip generation comparison estimates prepared by Hexagon Transportation Consultants, dated December 19, 2005 indicates the change in land use from office to residential would result in 779 fewer daily trips and 337 fewer PM Peak Hour trips. The site is currently vacant and with the estimated 306 new daily trips generated by the 32 residential units it would result in a 2% traffic volume increase on Mission Boulevard. Mission Boulevard currently has an average daily volume of 14,900 and has the capacity to accommodate this small increase in traffic.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 111 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 25, 2006. A Public Hearing Notice was published by The Argus on May 22, 2006.

ENCLOSURES:

Exhibits:

- Exhibit "A" Mitigated Negative Declaration, Mitigation Monitoring Program & Response to Comments
- Exhibit "B" General Plan Amendment Exhibit

Informational Items:

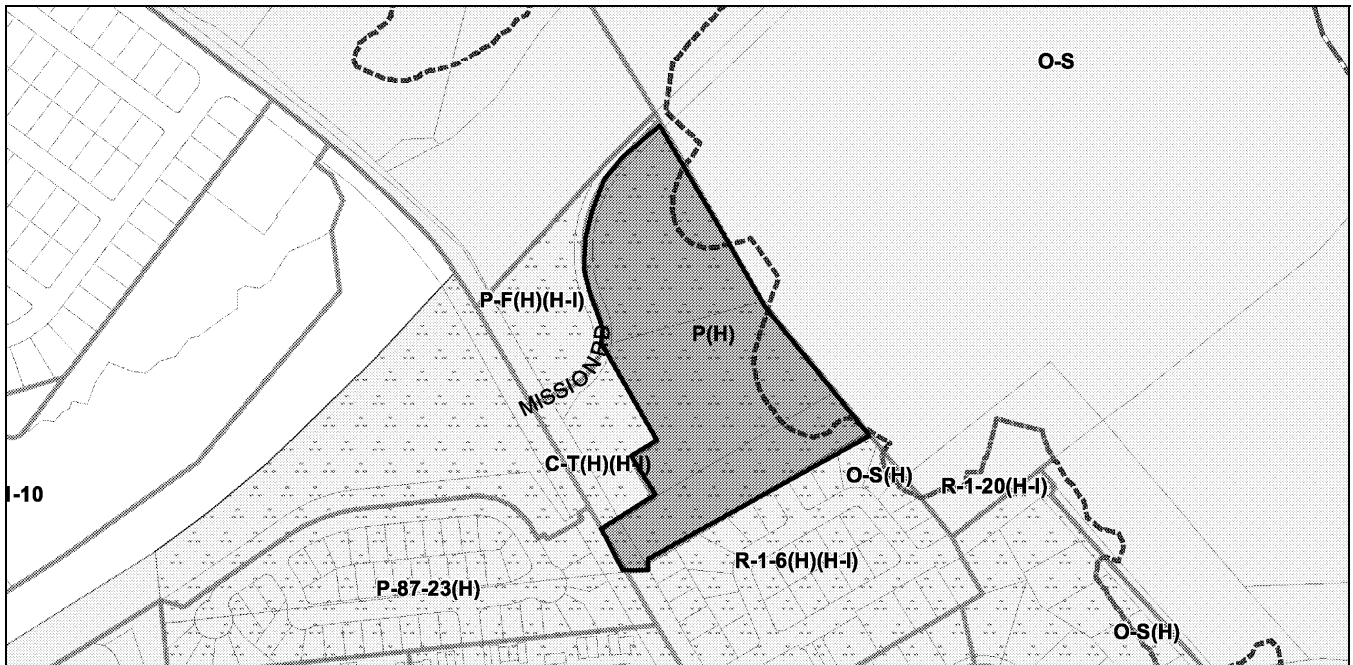
1. Initial Study w/ Certificate of Fee Exemption
2. Preliminary Site Plan

RECOMMENDATION:

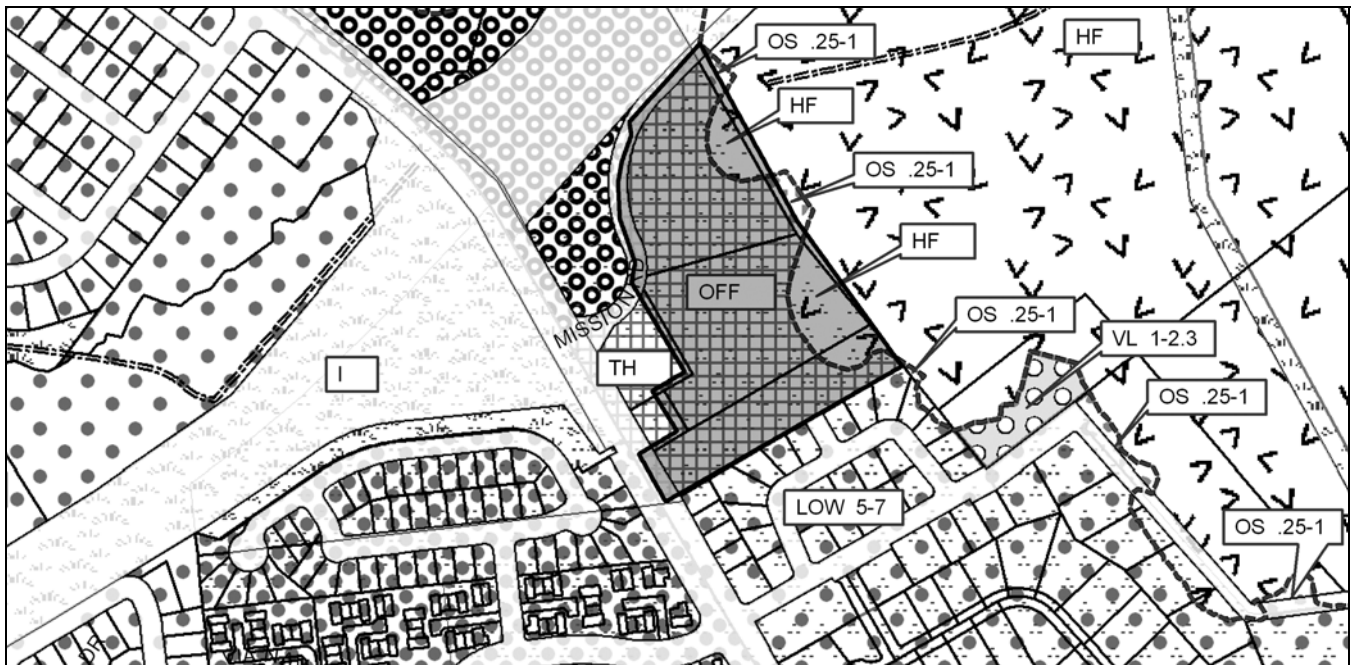
1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve Mitigated Negative Declaration and Mitigation Monitoring Plan and recommend use of Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find General Plan Amendment, PLN2006-00064, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report. And, further find that the project is within the public interest and would not be detrimental to the general health, safety and welfare of Fremont residents; and, further find the project is consistent with both Hill Area Initiatives, Measure A and T.
5. Recommend City Council approve PLN2006-00064 to amend the General Plan land use designation for the project site from Office Commercial to Low Density Residential, 3-5 units per acre in conformance with Exhibit "B" (General Plan Amendment Exhibit).

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan



On the _____ day of _____, 2006.

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